

APPEAL NO. 040450
FILED APRIL 21, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 23, 2004. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) had disability from September 28, 2001, through May 14, 2003. The appellant (carrier) appeals, contending that the hearing officer's decision is not supported by the evidence and that the claimant suffers from preexisting conditions. The claimant asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury. Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." Conflicting evidence was presented on the disability issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The claimant's testimony and the reports of her current treating doctor support the hearing officer's decision on the disability issue. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TWIN CITY FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge